

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

LONNIE MOORE III,

No. C 11-05517 LB

Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT**

v.

PATRICK R DONAHOE, Postmaster
General, United States Postal Service,

[Re: ECF No. 13]

Defendant.

On November 14, 2011, Plaintiff Lonnie Moore filed this action against Defendant Patrick Donahoe in his official capacity as Postmaster General of the United States Postal Service. Complaint, ECF No. 1. The court granted Plaintiff's application to proceed *in forma pauperis* and ordered the Clerk of the Court to issue the summons and that the United States Marshal serve Defendant. 12/15/2012 Order, ECF No. 7.

Under Federal Rule of Civil Procedures 4(i), when a plaintiff who sues a federal officer in his or her official capacity – as Plaintiff has here – the plaintiff must deliver a copy of the complaint and summons to the United States Attorney for the district in which the action is brought and must send copy of the same both to the United States Attorney General in Washington D.C. and to the officer. Fed. R. Civ. P. 4(i)(1)(A), (2). Once service has been completed, the federal officer has 60 days to file and serve an answer or response. Fed. R. Civ. P. 12(a)(3). Here, it appears that Defendant was served on January 9, 2012, the United States Attorney General was served on January 10, 2012, and

1 that the United States Attorney for the Northern District of California was served on January 20,
2 2012. Acknowledgment (Donahoe), ECF NO. 10; Acknowledgment (USAG), ECF No. 11;
3 Acknowledgment (USAO), ECF No. 12.

4 On February 23, 2012, Plaintiff moved for default judgment. Motion, ECF No. 13. Because
5 Defendant has 60 days from the date service was completed, he currently has until March 20, 2012
6 to answer or otherwise respond to Plaintiff's complaint. Because a defendant must have defaulted
7 before entry of default or default judgment may be entered, *see* Fed. R. Civ. P. 55, Plaintiff's motion
8 is DENIED.

9 This disposes of ECF No. 13.

10 **IT IS SO ORDERED.**

11 Dated: March 16, 2012


LAUREL BEELER
United States Magistrate Judge